



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JULY 9, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: Larry M. Medina. Meeting was called to order and the invocation was given by Father Jesus Recio, Guardian Angel Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

1. Visitors Chapel African Methodist Episcopal Church Day - July 21
2. National Aquatics Week - July 14-20

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No action was taken regarding the report from Mr. Jeffrey Belles, Director of Equipment Maintenance Department. (See City Clerk's file for a copy of the presentation)

Mr. Belles provided Council Members a PowerPoint presentation regarding the duties, responsibilities and budget of the Equipment Maintenance Department. Following Mr. Belles' presentation, he answered questions and provided comments.

Mayor Raymond C. Caballero thanked Mr. Belles for his presentation and asked Mr. Belles if he might privatize and/or contract out additional areas of his department.

Mr. Belles responded there might be additional aspects of his department he could privatize and/or contract out and added he would investigate this further. He explained that out of their \$9 million dollar budget, \$650,000 is already contracted out. He noted that his department competes with the private sector every day.

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Motion made by Representative Sariñana, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

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Motion made, seconded and unanimously carried to excuse Representative Medina from the Regular Council Meeting of July 9, 2002.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor of the City of El Paso be authorized to sign an Intergovernmental Agreement with the County of El Paso, Texas with respect to the recognition of County passes upon specific Sun Metro buses and routes, as well as the recognition of Sun Metro transfers upon specific County buses and routes.

***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN UNDERGROUND AND TRANSFORMER ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO THE ARTCRAFT RESERVOIR TANK SITE LOCATED AT 7830 PASEO DEL NORTE NEAR NORTHWESTERN DRIVE. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF LOT 1, BLOCK 1 EL PASO WEST SUBDIVISION UNIT 1, EL PASO COUNTY, TEXAS.

WHEREAS, April 10th, 2002, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground (10'wide) and transformer pad (16'x18') electrical easement for the purpose of providing electrical service to the Artcraft Reservoir Tank Site located at 7830 Paseo Del Norte near Northwestern Drive, in a portion of Lot 1, Block 1, El Paso West Subdivision Unit 1, El Paso, El Paso County, Texas, and,

WHEREAS, the City Council finds it to be in the public interest to grant an underground and transformer electrical easement for service to an electrical substation; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting an underground and transformer electrical easement to the El Paso Electric Company for the purpose of providing electrical service to Artcraft Reservoir Tank Site, located at 7830 Paseo Del Norte Near Northwestern Drive. Said property being more particularly described as a portion of Lot 1, Block 1, El Paso West Subdivision Unit 1, El Paso County, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a request for the extension of the award period to the Office of Community Oriented Policing Services, to extend the award ending date for the COPS Universal Hiring Program grant # 95CCWX0207 to February 28, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit the on-line grant application and the Mayor be authorized to sign any related paperwork from the City of El Paso Police Department to the U.S. Department of Justice, Bureau of Justice Assistance, and to the Office of the Governor as necessary, for a Local Law Enforcement Block Grants Program (LLEGB) grant for the purpose of purchasing a new records management system for the Police Department in the amount of \$485,265.00; matching funds in the amount of \$53,918.00. In the event of loss or misuse of Local Law Enforcement Block Grant funds, the City of El Paso assures that the funds will be returned to Office of the Governor, CJD, or other appropriate agency in full.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application, including the assurances, from the City of El Paso Police Department for a Crime Laboratory Improvement Program Grant in the amount of \$249,782.00 from the National Institute of Justice, U.S. Department of Justice, to purchase forensic laboratory equipment for the Police Department and to pay for personnel training expenses. The grant officials are as named in the application. In-kind match required in the amount of \$195,276.00.

That the El Paso City Council agrees in the event of loss or misuse of grant funds, the funds will be returned to the appropriate agency in full.

NOTE: Resolution was revised to read: "In-kind funds required in the amount of \$195,276.00".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a grant award for a Victims of Crime Act Grant in the amount of \$61,457.00 from the Office of the Governor, Criminal Justice Division, for the purpose of purchasing office and project supplies and funding the salaries of two case managers and reimbursable expenses of the volunteers working with the Crisis Response Team in the El Paso Police Department; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. In the event of loss or misuse of Criminal Justice Division/Grant funds, the City of El Paso assures that funds will be returned to Office of the Governor, CJD in full. Matching funds required in the amount of \$9,771.00 and in-kind match required in the amount of \$6,517.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute and file a grant application to the Corporation for National Service for the Foster Grandparent Program in the amount of \$3,211.00 for the period of September 1, 2002, through August 31, 2003; and

That Deborah G. Hamlyn, Director, Community and Human Development, be authorized to furnish additional information as the Corporation for National Service may require in connection with the application for this program; and

That the Mayor be authorized to execute any Grant Agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases or deobligates program funds, provided that no additional City funds are required, upon approval by the Corporation for National Service.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute and file a grant application with the Texas Legislature, which appropriation is being administered by the Corporation for National Service, for the Retired and Senior Volunteer Program, on behalf of the City of El Paso, in the amount of \$27,972 for the period of September 1, 2002, to August 31, 2003; and

That Deborah G. Hamlyn, Director, Community and Human Development, be authorized to furnish such additional information as the Corporation for National Service may require in connection with the grant application for this program; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any grant agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases or de-obligates Program funds, provided that no additional City funds are required, upon approval by the Corporation for National Service for aid in financing this program.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SEVEN THOUSAND THREE HUNDRED FIFTY AND NO/100THS DOLLARS (\$7,350.00 - \$6,625 loan/\$725 grant) against the following described real property:

Lot 5, Block 19, SCOTSDALE REPLAT, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 16, Page 40, Plat Records of El Paso County, Texas; also known and numbered as 3200 Kirkcaldy Street, El Paso, Texas 79925.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of ONE THOUSAND FOUR HUNDRED NINETY-ONE AND 92/100THS DOLLARS (\$1,491.92).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of ELEVEN THOUSAND ONE HUNDRED AND NO/100THS DOLLARS (\$11,100.00 - \$5,175 loan/ \$5,925 grant) against the following described real property:

Lot 14, PETERSON SUBDIVISION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 7, Page 37, Plat Records of El Paso County, Texas; also known and numbered as 8313 Hester Street, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its liens in the amount of TEN THOUSAND ONE HUNDRED SEVENTY AND NO/100THS DOLLARS (\$10,170.00) against the following described real property:

Lot 210, SINGH ADDITION THIRD SECTION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 2, Page 59, Plat Records of El Paso County; also known and numbered as 617 Casa Grande Place, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of TWENTY-SIX AND 57/100THS DOLLARS (\$26.57).

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That under the previously allocated expenditure of Twenty-seventh (27th) Year (2001-2002) Community Development funds authorized for the acquisition of the following parcel of land for the San Juan Parking Lot Acquisition Project, a 27th Year Community Development Project, the City of El Paso provides its notice of intent to acquire the following parcel:

Parcel 2: Lots 25 & 26, Block 8, Hughes Subdivision Block 2 of Alameda Acres, containing 0.14 acres, more or less.

and authorizes the Mayor to sign a right-of-entry agreement which may be required for the acquisition of this property.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, on behalf of the El Paso CityCounty Health and Environmental District, the following contract amendments and renewals with the Texas Department of Health:

OPHP - Bioterrorism Preparedness - Lab
Document No. 74600074992003, Attachment No. 4

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, on behalf of the El Paso CityCounty Health and Environmental District, the following contract amendments and renewals with the Texas Department of Health:

TB - Prevention and Control
Document No. 74600074992002, Attachment No. 4A

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Leon Ackerman covering an exhibit of "portraits in pencil, charcoal and acrylics" at the Richard Burges Branch of the El Paso Public Library System for the period of January 4 through February 28, 2003. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Katsu W. Hall covering an exhibit of "Japanese embroidery, wind chime, and kimono" at the Richard Burges Branch of the El Paso Public Library System for the period of August 2 through September 27, 2002. This exhibition is at no cost to the City.

***RESOLUTION**

WHEREAS, the SIRSI Corporation, pursuant to its letter dated May 18, 2002, notified the El Paso Public Library that it had completed its acquisition of Data Research Associates (DRA) on August 29, 2001;

WHEREAS, DRA has existing agreements with the El Paso Public Library including software licensing, service and/or maintenance/support agreements, and effective as of July 15, 2002, Sirsi Corporation will transition all internal and outgoing documents to the SIRSI name, format, and letterhead;

WHEREAS, assignment of the existing agreements from DRA, Assignor, to Sirsi Corporation, Assignee, will not affect the El Paso Public Library's rights or privileges provided under those agreements; and

WHEREAS, the El Paso Public Library desires to continue to provide to its patrons the services provided by Sirsi Corporation until migration to the new automated system is complete;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Consent to Assignment, recognizing the acquisition by Sirsi Corporation of Data Research Associates, a provider of computer software and maintenance services for the El Paso Public Library.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to co-sponsor a film festival with the Chamizal Independent Film Festival in the Museum auditorium, July 30 and August 1, 2002, 11:00 am to 1:00 pm. No cost to the City and admission is free to the public.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Carlos Lopez Lifeguard, Step 2
DATES: June 25, 2002 thru September 30, 2002
RATE PER HR: \$6.00
CONTRACT NO: 2001/2002-359

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Laura Veronica Cervantes, Swim Instructor, Step 1
DATES: June 14, 2002 thru September 30, 2002
RATE PER HR: \$5.35
CONTRACT NO: 2001/2002-360
2. CONTRACTOR: Jessica N. Flores, Swim Instructor, Step 1
DATES: June 13, 2002 thru September 30, 2002
RATE PER HR: \$5.35
CONTRACT NO: 2001/2002-361

3. CONTRACTOR: Frankie A. Pinon, Swim Instructor, Step 1
DATES: May 30, 2002 thru September 30, 2002
RATE PER HR: \$5.35
CONTRACT NO: 2001/2002-362

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RICHARD ALLEN CROWE** as a Treasury Services Manager, for the Comptroller's Department at a biweekly rate of \$1,470.62, for 40 hours per week. The term of the contract shall be for the period of July 24, 2002 through October 23, 2002.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **SCOTT GORDLEY** on behalf of the Information Technology Department to provide consulting services in developing courses of instruction for the In-Vision and Crystal reporting systems, assist in the initial setup and development of a reporting process for the People Soft financial and HRMS systems, and provide technical support in the upcoming upgrade of the PeopleSoft financial package to the latest webbased release. The Contractor will be paid an hourly rate of \$30.00. The total amount of the contract shall not exceed \$62,400.00 annually based on 2080 hours per year. The contract period shall be from July 9, 2002 through July 8, 2004. This contract is subject to the approval of the City's Civil Service Commission.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Contract Amendments between the **CITY OF EL PASO** and the individuals listed below to add a provision to their contracts which will allow them to participate in the city's tuition reimbursement program.

1. **ARMANDO ALMANZA**
2. **AARON FRAMPTON**
3. **KEVIN JEROME COVINGTON**
4. **TOMMY YANEZ**

NOTE: Resolution was revised to delete "5. **VIRGINIA C. YEATMAN**"

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and the following individuals for the El Paso Library to be paid at the rate of \$5.57 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator. The contract period is from July 10, 2002 through July 9, 2003.

1. **MARIA ELENA SALAZAR**
2. **KATHERINE YBARRA**

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract, Contract Employee, between the **CITY OF EL PASO** and the following individuals as case managers, Victim Services Response Team, for the Police Department at the rate of \$12.50 per hour, not to exceed 40 hours per week. The term of the contract shall be for the period of July 10, 2002 through June 30, 2003.

1. **RACHEL LITTLE**
2. **JESUS URIBE**

*Motion made, seconded and unanimously carried to approve the request for the following name(s) to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Raul Herrera, Jr., Police Officer

*Motion made, seconded and unanimously carried to approve the request to fill the position(s) on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Residential Inspector (1)
- B. Transit Information Clerk (1)

*Motion made, seconded and unanimously carried to appoint Alejandro Lozano to the Greater El Paso Civic, Convention and Tourism Board by Representative Cook.

*Motion made, seconded and unanimously carried to appoint Dick Vorba to the City Plan Commission by Representative Cook.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID A794-999-0090-2700, \$342.93 per month installments on a balance of \$2,400.51 for 2001 taxes; Maria R. & Hugo Huizar – 1700 Saint Stephen Pl.
- B. PID #T188-999-0040-0700, \$277.98 per month installments on a balance of \$3,335.76 for 2001 taxes; Patrisia A. Villalobos – 2100 Howze.

- C. PID #W418-999-0050-2040, \$544.45 per month installments on a balance of \$6,533.40 for 2001 taxes; Lorenzo L. III & Mona L. Nava – 617 Shadow Willow.
- D. PID #C818-999-0690-0700, \$372.04 per month installments on a balance of \$3,348.36 for 2001 taxes; Gregorio J. & Elinora A. Montoya – 729 Castile Ave.
- E. PID #R460-999-0150-0100, \$1,260.16 per month installments on a balance of \$7,560.96 per month installments for 2001 taxes; Jay C. Shah – 6620 Wind Ridge.

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Mary Esther Lara, in the amount of \$1,024.81; overpayment of 2001 taxes. (PID #M851-999-0250-0500)
- B. Countrywide Tax Services Corporation, in the amount of \$1,021.92; overpayment of 2001 taxes. (PID #P860-999-0100-3400)
- C. Trans America Real Estate Tax Service in the amount of \$2,931.97; overpayment of 2000 & 2001 taxes. (PID #T209-999-0000-2700)
- D. Perez & Co. Realtors, in the amount of \$553.62; overpayment of 1999 taxes. (PID #V867-999-0010-2400)
- E. Wells Fargo Real Estate Tax Services, LLC, in the amount of \$2,032.80; overpayment of 2000 taxes. (PID #V893-999-1980-1100)

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-786 COMMUNITY DEVELOPMENT

This transfer increases the Public Service Board portion of the Mesa Terrace Project, a 27th Year (2001-2002) Community Development project. The PSB portion originally set up covered the 50% that would be the PSB portion of the project. This increase will cover the additional that the City contractor will do to modernize lines in the area and that cost is the total responsibility of the PSB.

Increase	\$64,000	to	71150065/G7127PS001111064/508027	Construction
Increase	\$64,000	to	71150065/G7127PS001111064/406002	Local Grant

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-822 SOLID WASTE
To recognize under utilization of fuel appropriations and recognize continued need for temporary field personnel.

Increase	\$100,000	to	34010291/40403/502001	Temp Serv
Decrease	\$ 9,000	from	34010291/40403/503005	Diesel Fuel
Decrease	\$ 8,000	from	34010293/40403/503005	Diesel Fuel
Decrease	\$ 23,000	from	34010295/40403/503005	Diesel Fuel
Decrease	\$ 20,000	from	34010296/40403/503005	Diesel Fuel
Decrease	\$ 15,000	from	34010298/40403/503005	Diesel Fuel
Decrease	\$ 25,000	from	36010312/40403/503001	Gas Unlead

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-846 COMMUNITY DEVELOPMENT

Budget transfer to provide additional required funding to enable the Purchasing Department to place the Olive Avenue Street and Drainage Project, a 27th Year (FY2002) CD Program project out for bid.

Decrease	\$ 6,858.76	from	71150069/G7127CD000107629/508027	Construction
Increase	\$ 6,858.76	to	71150069/G7127CD003007654/508024	Testing
Decrease	\$411,701.40	from	71150069/G7127CD000107629/508027	Construction
Increase	\$411,701.40	to	71150069/G7127CD003007654/508027	Construction

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-856 OMB
Recognizing available cash in FY96 C.O.'s for ongoing system upgrade obligations.

Increase	\$46,125	to	04102006/P54000627133/407002	Est Revenue
Increase	\$46,125	to	04102006/P54000627133/508010	Data Process

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*Motion made, seconded and unanimously carried to approve budget transfer BT2002-857 OMB
Recognizing available cash in FY97 C.O.'s for ongoing system upgrade obligations.

Increase	\$63,644	to	04102007/P54000727132/407002	Est Revenue
Increase	\$63,644	to	04102007/P54000727132/508010	Data Process

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ORDINANCE 15144

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 10, BLOCK 64, VISTA DEL SOL UNIT 13, EL PASO, EL PASO COUNTY, TEXAS (SOUTHEAST CORNER OF MONTWOOD DRIVE AND LOMALAND DRIVE) FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Power, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 3430 Wyoming Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lot: 19, East El Paso, Block 70

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Jose and Maria Torres, record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on July 9th, 2002; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the dilapidated garage be demolished within (30) days; and
 - b. The rear porch be removed within (30) days; and
 - c. That the Building be secured within (30) days; and
 - d. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - e. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - f. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - g. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building, demolish the garage, and remove the rear porch and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the Building, demolish the garage, and remove the rear porch and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the garage, removing the rear porch and securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolishing the garage, removing the rear porch and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and

- c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Services Department, presented case to Council Members and gave the department's recommendation(s). He noted that the Building Services Department would be recommending partial demolition for two structures at the site: 1. a porch that was added to the original structure and; 2. an accessory structure, previously utilized as a garage. He stated that the Department had made attempts to reach the property owner; however, to no avail. He explained that the property was vacant and open; however, structurally sound. He noted that the Department would be requesting that the main structure be boarded and made secure.

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to accept the Department's recommendation(s).

RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 10128 Montwood Drive, in El Paso, Texas, which property is more particularly described as follows:

Lot: 2, Block 83, Eastwood Heights Unit E

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, David Kraul, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on July 9th, 2002; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the Building be secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for August 27th, 2002 in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and

- b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
 8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
 9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
 10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Services Department, presented the case to Council Members and gave the department's recommendation(s).

There being no public comment, the vote was taken.

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to accept the Department's recommendation(s).

.....
 *Motion made, seconded and unanimously carried to delete the public hearing to determine if the Council Resolution of May 21, 2002, for the property located at 8756 Coloma Circle, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owner of this property, Rosemary L. Graff, 2309 Wheeling Avenue, El Paso, Texas 79930-1513, has been notified of the violations at this property.

.....
 *Motion made, seconded and unanimously carried to delete the discussion and action on a Resolution to fund a survey of Fort Bliss personnel to determine what they would like to see in El Paso regarding quality of life issues, tourism venues, business opportunities, etc. and to have this study done through Economic Development Department. (Representative Power)

.....
 No action was taken regarding the discussion and action on Ordinance creating a Mayor's Committee on Veterans and Military Affairs. (Representative Power)

Representative Power explained that Fort Bliss was a great economic engine for the City of El Paso and requested that Fort Bliss personnel be surveyed as to what these individuals would like to see and/or do in El Paso. He stated he had thought that the City might create a liaison and/or liaison committee position between the City and Fort Bliss in order to accomplish these goals. He mentioned that in the year 2005, Fort Bliss would undergo a BRAC (Base Reduction and Closure) study, which may or may not impact the El Paso community. He asked that efforts be made to make El Paso and Fort Bliss as attractive as possible in order to attract more military personnel.

Mayor Raymond C. Caballero commented on the incredible importance of Fort Bliss, William Beaumont Army Medical Center and White Sands Missile Range and on the role these organizations play within the El Paso Community. He introduced Ms. Joyce Feinberg, Executive Assistant to the Mayor, in order to provide further information as to the City's role in association to Fort Bliss.

Ms. Feinberg explained that Fort Bliss had recently initiated a "Strategic Planning" office headed by retired Colonel Landry. She explained that Colonel Landry, herself and other individuals within El Paso and surrounding communities had met and would be deciding upon the objectives of what these various organization's duties would be in order to capture the value of the military community and vice versa. She noted that in approximately six weeks a plan would be brought to City Council proposing such objectives. She noted that the objectives would be divided into three parts: 1. social protocol; 2. partnerships between the City and Fort Bliss and most importantly 3. the value of Fort Bliss and military infrastructure to the whole region. She stated the title of the committee was the "Alliance for Regional Military Support" and asked Council Members to provide input.

Representative Cook remarked that one way to avoid a BRAC closure would be to stop selling El Paso as the city that would be running out of water. He encouraged other Council Members to attend the many military functions, such as Flag Day and other events.

Ms. Feinberg commented on the cooperation of Fort Bliss, in regard to the desalination plant, as a good strategy for the prevention of running out of water.

Mayor Caballero requested that Ms. Feinberg distribute copies of invitations received from Fort Bliss.

Representative Sumrall requested that members of the Ad Hoc Committee be retired military individuals, as these individuals would provide valuable input, knowledge, etc.

Ms. Feinberg noted that military personnel leaving Fort Bliss were required to participate in an "exit interview" and that the City had requested that the Economic Development Department be a part of and/or included in such exit interviews.

Mayor Caballero made note that the City had investigated the possibility of creating a position in the Economic Development Department specifically devoted to military liaison and defense oriented industry matters, to include such notable companies as Raytheon and Boeing that are involved with Fort Bliss and the El Paso community.

Representative Power remarked that Fort Bliss impacts the El Paso community tremendously and that by coordinating with the military base and its "exit interview" process, a pool of employees would be created for those companies new to the El Paso area to fill positions with valuable, knowledgeable, intelligent, insightful, etc., individuals. He commended Ms. Feinberg and the Mayor on the possible creation of a permanent liaison office between Fort Bliss and the City.

Mr. Jerry Mangrum, retired naval officer, explained he had moved to El Paso three years ago and currently instructs the ROTC program at Socorro High School. He offered suggestions to Council Members in assisting the military personnel population in El Paso: 1. grant reduced fee and/or free public transportation; 2. make available discounts for events, restaurants, etc.; 3. provide the means of crossing the border with ease; and 4. offer entertainment venues with taste, panache, etc.; 5. coordinating the Chambers of Commerce to provide discounts for active and/or retired military personnel, for example, at auto parts stores; 6. waiving the fees for City services and/or categorizing those retirees, disabled, Purple Heart recipients, etc.; 7. investigate providing home purchasing programs for military personnel. He explained that he selected El Paso as his retirement home due to the weather, the VA Center and the military base. He asked Council Members to coordinate with Congressmen and Senators requesting the VA center be improved and in the passage of the Concurrent Receipt Bill for Disabled Veterans. He noted that over 60,000 retired veterans currently reside in the El Paso community.

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Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to assume the cost of maintaining lamp posts on Yandell Drive adjacent to the Concordia Cemetery as per agreement between the City of El Paso and the Concordia Heritage Association. These lamp posts were donated by the Association. (Representative Cobos)

Mrs. Ebelina Jones, President of Concordia Heritage Association, discussed the beautiful street lights on Yandell Street and asked Council Members to accept the street lights for maintenance.

Mr. Terry Williams, Deputy Director of Building Services, recommended Council Members accept the fixtures for City maintenance.

Representative Cobos thanked Mr. Williams, Mr. Ed Drusina, Director of Public Works, Ms. Jones and the Concordia Heritage Association and many others for their great efforts regarding these street lights.

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*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion on availability of public restrooms in Downtown El Paso. (Anita Blair)

.....
Motion made by Representative Escobar, seconded by Representative Sumrall and unanimously carried to appoint Cheryl S. Lay, Michael P. Moffeit, Carla J. Olivarez, Bruce J. Ponder and John L. Williams for the position of Associate Municipal Court Judge selected by the Municipal Court Legislative Review Committee, in accordance with Ordinance No. 12403—An Ordinance Establishing a Procedure for the Appointment of Municipal Court Judges. (Representative Escobar)

Representative Escobar thanked Representative Sumrall for her presence during the interviewing process and thanked those individuals for accepting these positions.

Representative Sumrall noted she was on the Selection Committee and was very impressed with the candidates selected.

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No action was taken regarding the report on the June 26, 2002, Resolution of the Community Development Collaborative for the Homeless, Emergency Shelter, and Housing Services in relation to migrant farmworkers services provided by Sin Fronteras Organizing Project, Inc.

Mr. Robert Salinas, Social Services Administrator – Community & Human Development Department, was present to answer questions.

Representative Cobos questioned Mr. Salinas whether Sin Fronteras had ever breached their contract with the City of El Paso.

Mr. Salinas responded no.

Mayor Raymond C. Caballero explained that during the CDBG meeting held on June 26, 2002, the Sin Fronteras item had not been approved pending further review by an independent hiring officer.

Representative Cobos remarked that the two groups should sit down and discuss their differences.

Ms. Rita Rodriguez, City Attorney, noted that the item was posted as a report and not for any action by Council Members.

Mr. Charlie McNabb, Chief Administrative Officer, remarked he had asked the Community & Human Development Department to investigate whether CD funds might be utilized to hire an independent hiring officer.

Representative Sariñana asked Mr. Enrique Moreno, Sin Fronteras Organizing Project, Inc. representative, whether he had an opportunity to review the allegations.

Mr. Moreno responded that the organization was monitored by not only the City of El Paso but also the State of Texas, the United Way and other such funding organizations. He noted that Sin Fronteras must comply with federal requirements and are audited annually. He explained that the El Paso Police Department had investigated the allegations made against Sin Fronteras and the allegations were never substantiated. He remarked that Sin Fronteras had and would continue to cooperate with all entities in addressing the issues. He welcomed Council Members to visit the Sin Fronteras facility.

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Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance permitting Marisol Marquez to use a portion of Arlington Park from 1:00 PM until 3:00 PM on September 14, 2002, for a wedding. Fee: \$40.00
- B. An Ordinance vacating a portion of a dedicated alley within Block G, Supplementary Map No. 2 of Montoya Townsite, City of El Paso, El Paso, County, Texas.
- C. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of Exhibit Technician and change the title to Zoo Exhibit Technician
- D. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the class of Senior Latent Print Examiner
- E. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the class of Latent Print Examiner
- F. An Ordinance authorizing the Mayor to sign a Lease Agreement between the City and Tenet Hospitals, LTD., d/b/a Sierra Medical Center for the lease of a portion of the Armijo Community Center located at 710 East Seventh Street for the purpose of operating a Teen Health Resource Center for a term of five (5) years.

PUBLIC HEARING WILL BE HELD ON JULY 23, 2002 FOR ITEMS A - F

- G. An Ordinance changing the zoning of a portion of Tract 98B, S.A. & M.G. SURVEY NO. 267, El Paso El Paso County, Texas (5440 Doniphan Drive) from R-3 (Residential) to C-4 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: George R. & Angela Harbison /Representative: Dorado Engineering, Inc., 2310 Montana Ave., El Paso, TX 79903. ZC-02018
- H. An Ordinance changing the zoning of Lot 36, RANGERS REST NO. 2, El Paso, El Paso County, Texas (1164 Ranger Street) from R-4 (Residential) to A-O (Apartment-Office) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Habitat International Inc./ Representative: Homero Perez, 1491 Lee Trevino, Suite K, El Paso, TX 79936. ZC-02021
- I. An Ordinance changing the zoning of Tracts 17C10, 17C12, 17C39 and 17C156, Section 8, Block 79, Township 3, T & PRR SURVEYS, El Paso, El Paso County, Texas (East of Zaragoza Road and North of Picasso Drive) as follows: Parcel 1, from R-3 (Residential) to C-2 (Commercial) and Parcel 2, from R-3 (Residential) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc./ Representative: CEA Engineering Group, 2718 Wyoming, El Paso, TX 79903. ZC-02022
- J. An Ordinance Granting Special Permit No. SU-02010 to allow for a parking reduction on the property described as Lots 11 - 20, Block 222, ALEXANDER ADDITION, El Paso, El Paso County, Texas (2700 Stanton Avenue), as more fully described herein, pursuant to Section 20.64.175, and the penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-1 (Commercial). Applicant: Davita-Lonestar Division/Representative: David Robbins, Architect, Searer Robbins & Stephens, 5045 N. 12th St. #111, Phoenix, AZ 85014.

PUBLIC HEARING WILL BE HELD ON JULY 30, 2002 FOR ITEMS G - J

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to appoint Magdalena V. Mendoza to the RSVP Advisory Council by Representative Sariñana.

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to postpone any Legislative Review meetings regarding TIF Districts 2 and 3 until report received from the Greater Chamber of Commerce, and send notification via U. S. postal service to property owners and/or residents living in TIF Districts 2 and 3, and City Council Members to hold a Legislative Review Meeting to discuss findings from the Greater Chamber of Commerce. (Kenneth Schillinger)

Mr. Schillinger, President of Modern Iron Works, Inc., 230 Raynolds Street, commented on the creation of TIF District 2, eminent domain, condemnation of properties and the stress on residents and/or business owners within the TIF Districts. He thought the manner in which the TIF Districts were created had caused great concern, distrust and unrest among those residents and/or business owners within the affected area.

He noted that the property owners affected by the TIFs had not been properly informed and would need more information regarding how the TIF Districts had been created, when and why the Districts were created, the justification as to why the TIF Districts had been created and finally, the lack of meaningful public notification regarding such Districts. He questioned why the public hearings regarding the TIF Districts were held during the month of December when many individuals were preoccupied with the holiday season. He asked that future notices regarding the TIF Districts also be translated in the Spanish language. He formally requested that City Council send formal notice to all property owners in TIF Districts 2 and 3, via the U. S. postal service, and that the notice contain information regarding how, why and when the Districts were created, the enhanced legal powers granted to the City, the implication of these powers to property owners, how property owners could become involved in the process, as well as what steps the City plans to take next. He also requested that the City take no further action regarding the TIFs, ratification of letters after the fact, contracts, amendments, Legislative Review Boards, Executive Sessions or any other action until the formal notification had been sent allowing property owners to be involved in any action currently being planned or may be contemplated in the future.

Mayor Raymond C. Caballero thanked Mr. Schillinger for his comments and relayed a story regarding Mr. Schillinger's ability to provide health insurance for his employees. Mayor Caballero explained that the TIF District's paperwork had been filed on October 16, 2002 subsequently; public hearings could not be held for 60 days, which would explain why public hearings were held in December during the Christmas holidays. He stated that Regents from Texas Tech and the University of Texas, Mr. Hunt and Mr. Brown, in addition to Dean Dr. De La Rosa, Texas Tech University Health Sciences Center at El Paso, had requested that the TIF District be established prior to the new year. He explained that the City provides notice to surrounding residents regarding zoning change cases. He noted that the BHI Board had not yet provided a Master Plan.

Representative Sumrall thanked Mr. Schillinger for appearing before Council and expressing his concerns in a civilized manner. She thanked the Mexican American Bar Association for assisting property owners located within the TIF District and requested the Bar Association investigate and assist those property owners whose relatives may have taken out Home Equity loans against same properties.

Mayor Caballero stated he would communicate Mr. Schillinger's concerns to Dean De La Rosa, Mr. Pete Duarte, R. E. Thomason General Hospital, BHI Board Members and others.

Representative Cook relayed his concerns in regard to the creation of the TIF Districts and the City's increased powers of eminent domain. He noted that other taxing entities had been invited to participate in the TIF Districts; however, these entities subsequently declined which left the City of El Paso as the only taxing entity contributing to the TIF.

Mayor Caballero remarked that the word "synergy" had been used in the context regarding placing multiple medical and health institutions on one campus. Representative Cook noted that the word "synergy" had been utilized in the context whereas all the taxing entities would be combining resources.

Mr. Schillinger remarked that residents in the area were not opposed to the four-year medical school and BHI; however, a great deal of fear and concern regarding the issue of eminent domain was prevalent.

Representative Power questioned Ms. Diana Nunez, Deputy City Clerk, as to whether a Legislative Review Committee Meeting of the Whole was scheduled for July 15, 2002. He commented on the City's responsibility for providing notice to the public.

Ms. Rita Rodriguez, City Attorney, noted that the City of El Paso follows all statutory requirements and stated that the City Attorney's office was cautious against providing legal advice to individual citizens. She recommended Council Members not add requirements that were not required by law.

Representative Cobos moved to send notice to every single property owner in TIF Districts 2 and 3, postpone any Legislative Hearings pertaining to the TIFs until every single property owner was made aware of the TIFs and schedule a meeting so that the public can obtain accurate information, Representative Power seconded.

Representative Cook advised that the Chamber of Commerce had employed a third-party, independent attorney to advise the organization regarding the TIF Districts. He asked that prior to sending notices to area residents, Council Members wait until the report had been compiled by the third-party, independent attorney.

Representative Cobos rephrased his motion to postpone any Legislative Hearings pertaining to the TIFs and to work in conjunction with the Greater Chamber of Commerce of El Paso until the third-party, independent attorney provides the report/findings and to send out legal notice to all property owners following the receipt of report/findings from third-party, independent attorney.

Ms. Rodriguez responded no statutory provision for individual notice existed for the meeting contemplation. She added that the City had provided legal notice which was published in the newspaper, when the TIFs were created.

Representative Cobos interjected that the notice would be an invitation to a public hearing to gather information regarding the TIFs.

Ms. Rodriguez advised to postpone any Legislative Hearings, and direct staff to review the "legal notice".

Mayor Caballero suggested postponing Legislative Review and to wait until the report from the Chamber of Commerce was brought forth.

Representative Cobos remarked that the City needs to send out invitations to every single property owner in TIF Districts 2 and 3, an invitation simply to gather information on the TIFs, a question and answer session.

Ms. Rodriguez questioned who would provide such information to the public.

Representative Cobos responded the City and questioned why the City could not send letters to property owners in the area.

Representative Sariñana questioned whether Council Members had instructed the Chambers of Commerce to send notifications and hold meetings for area residents.

Mayor Caballero remarked that the Chambers of Commerce were to have public meetings; however, he was unsure of the Chambers providing notices to the area residents.

Representative Sumrall was concerned with utilizing taxpayer monies to send out these notices.

Ms. Patricia Adatao, Director of Planning, explained that as of December, 2001, 6,000 property owners were included in TIF Districts 2 and 3.

Representative Cobos reiterated his motion and stated that any Legislative meetings be postponed until the report from the Chamber of Commerce had been received, Representative Power seconded. However, Representative Power questioned whether the notice/invitation would involve discussing the results of the report from the Chamber of Commerce or the TIF issues in their entirety.

Representative Cobos responded if Council Members gather to discuss the report/findings from the Chamber of Commerce, a meeting of the Whole would take place.

Representative Power noted he was in agreement with Representative Cobos regarding sending notices to the area residents provided a scheduled date/time/place had been established regarding the Legislative Meeting of the Whole.

Representative Sumrall questioned whether it was legal for the City to provide such notice/invitation to area residents.

Ms. Rodriguez responded the City could send correspondence regarding any City business without setting a precedent.

Mr. Schillinger requested that the notice provide enough information for area residents to ascertain the gravity of the situation.

Mayor Caballero agreed to mailing the postcard notices of which multiple public hearings would be listed, in addition these postcard notices would be printed in both English and Spanish.

Representative Sariñana moved to allow the public to speak, Representative Cobos seconded.

Ms. Theresa Caballero, citizen, commented on the residents not being informed regarding issues surrounding the TIF Districts. She spoke about a "map" carried around by the Mayor and Representative Medina and a "gray" area within such map of which the Mayor explains as being the TIF District. She stated that the "gray" area was not the TIF District but a small region within the TIF District. She asked that an accurate map be included in those notices to be mailed out to the area residents detailing the TIF District. She also asked that the entire City be included in the discussions regarding the TIF Districts as the TIF Districts drain the taxes spread out over the City.

Ms. Vivian Rojas, citizen, stated her grandmother resides within the TIF District. She stated she was made aware of issues surrounding the TIF Districts through a newspaper article she received from her grandmother. She noted other neighbors have received information from word of mouth and community meetings. She asked Council Members to remember that they were public servants and residents within the TIF Districts have paid their taxes and deserve information. She requested that the notices to be mailed, not be a postcard, but rather a letter of information.

Representative Sumrall explained that the information to be included on the postcard would eliminate the need of a letter. She noted that the information provided on the postcard would state when meeting(s) would be held in which more information regarding the TIF Districts would be provided.

Ms. Lisa Turner, citizen, asked that the postcards be sent to those individuals living within the TIF Districts who rent property, in addition to the property owners. She explained that Council Members had created two different classes of citizens by passing the previous Motion, property owners and those individuals who do not own property. She asked that Council Members post ads in the newspapers rather than mailing postcards.

Representative Sumrall remarked that Council Members were proposing notices be sent to the address of the residency to include the property owner living in another location.

Mr. Charlie McNabb, Chief Administrative Officer, clarified that a letter, similar to zoning cases, would be mailed to the area residents.

Representative Cobos requested that the City Attorney's office provide a copy of the letter to him prior to mailing the area residents.

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No action was taken regarding the discussion regarding intent of voters, procedures followed and citizens of District 3 regarding Larry Medina recall petition and request of City Council to help citizens remain involved in open government and the process of government. (Cesar Rodriguez)

Ms. Vivian Rojas, citizen, spoke on behalf of Mr. Cesar Rodriguez and asked that the intent of the voters of District 3 be honored by the City Council. She asked that the City honor the petition to recall Representative Medina. She noted that the volunteers had collected over 3,500 signatures from individuals willing to sign the petition. She stated the signatures were collected in good faith and she would attest to hundreds of the signatures that they are valid and of the individual they purport to be. She noted that the volunteers informed the individuals as to what they were signing was a recall petition for Representative Medina and explained the concerns to individuals signing the petition. She explained that many of the individuals signing the petition had voiced concerns to the volunteers regarding street repair, flooding in the streets, water issues regarding a canal, street lights not be placed as requested and finally, opposition to the TIF District. She asked Council to honor the will of the constituents of District 3 and honor the petition to recall Representative Medina. She noted that the 3,500 signatures represented 58% of the 6,197 voters who voted in the last election of which Representative Medina had won. She stated that the City Clerk and City Attorney's office had made the process difficult. She noted that the petition had been filed on July 1, 2002 but were not informed by the City Clerk's office until July 3, 2002, late in the afternoon that the petition needed amending. She stated that it appeared to her the system was one of preferential choice of which the City had chosen to give preference to an individual who had no moral regard or respect for the constituents of District 3. She remarked that constituents had not received notification regarding the moratorium and what the City had planned to do with their properties. She stated that questions regarding their concerns with the TIF District had not been answered. She stated that the petition to recall Representative Medina had not failed but the system had failed the constituents of District 3. She reminded Council Members that the democratic government was of the people, for the people and by the people and not preferential treatment for one particular individual. She asked City Council to help citizens remain involved in open government and in the process of government and the will of the constituents of District 3 be honored and the recall petition to be honored. She stated that the constituents of District 3 had elected Representative Medina to represent them and their interests and he had failed to do so. She stated that if needs be, the constituents would start a new recall petition.

Mayor Raymond C. Caballero clarified that the Ordinance was abided by appropriately and that the recall petition was delinquent in the required information. He suggested that the item be discussed during Executive Session.

Representative Escobar asked whether the standard was "substantial" or "strict" compliance.

Ms. Rita Rodriguez, City Attorney, responded regarding the affidavit, strict compliance.

Representative Escobar read from the Ordinance the following: "one of the signers to each of such papers, shall make an oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be" and stated he interpreted that as one individual collected many signatures and also signed the petition and therefore signed an affidavit stating the signatures were true and correct by the individual producing some form of identification, be it a driver's license or some other type of identification. He questioned whether the individual had to swear as to whether each signature was true and correct.

Ms. Rodriguez responded the Ordinance states the signature of the person that purports to have the signatures that were on each page of the petition. She further clarified that the affidavit must be from one of the listed signers from same page. She added that the requirement was the individual was giving oath that the signatures listed on the page were of the individuals purporting to be signers.

Representative Sumrall explained that she had once been a Notary and recollects that the requirement was to witness the signature of the individual requesting notarization. She thought that the individual signing the affidavit would be required to see some type of identification in order to validate the signature.

Mayor Caballero reiterated that further discussion on the item would be taken during Executive Session.

Ms. Theresa Caballero, citizen, stated it sounded as though Representative Sumrall was trying to make the recall petition process difficult for the volunteers.

Mr. Alfonso Bautista, 91-year-old gentleman, explained that he was in support of the BHI and stated the individuals signing the recall petition were given proper explanation and were not lied to.

Motion made by Representative Escobar, seconded by Representative Sumrall and carried to move to Executive Session the discussion regarding intent of voters, procedures followed and citizens of District 3 regarding Larry Medina recall petition and request of City Council to help citizens remain involved in open government and the process of government. (Cesar Rodriguez)

Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action regarding ongoing code violations at 4806 Titanic. (Representative Cook)

Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to authorize the Mayor to request that the State Comptroller of Public Accounts conduct a performance review on the operations of the City of El Paso.

Mr. Bill Chapman, Chief Financial Officer, stated that at no cost to the City, the State Comptroller's Office would conduct a performance audit for the City of El Paso.

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- | | |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |
-
- | | | |
|-----------|---|-----------|
| A. | Betty Araujo, 02-C-139 | (551.071) |
| B. | Rafael Navarrette, 02-A-002 | (551.071) |
| C. | Jamie Barron, 02-C-026 | (551.071) |
| D. | Discussion regarding intent of voters, procedures followed and citizens of District 3 regarding Larry Medina recall petition and request of City Council to help citizens remain involved in open government and the process of government. (Cesar Rodriguez) | |

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
Motion made by Representative Sariñana, seconded by Representative Escobar and carried that the claim entitled **BETTY ARAUJO; Our File No. 02-C-139** be **DENIED** as recommended by the City Attorney.
.....

*Motion made, seconded and unanimously carried to postpone one (1) week Rafael Navarrette, 02-A-002 (551.071)
.....

*Motion made, seconded and unanimously carried to postpone one (1) week Jamie Barron, 02-C-026 (551.071)
.....

.....
No action was taken regarding the discussion regarding intent of voters, procedures followed and citizens of District 3 regarding Larry Medina recall petition and request of City Council to help citizens remain involved in open government and the process of government. (Cesar Rodriguez)
.....

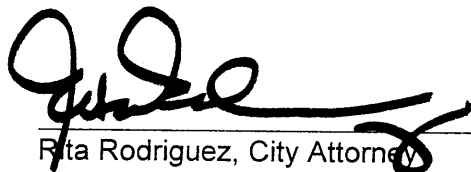
Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried to adjourn this meeting at 11:25 a.m.
.....

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Rita Rodriguez, City Attorney

